

Remarks

Claims 1, 2, 4, 5, 7-10, 21, 23, 26, 27, 31, and 33 are pending. Claims 1, 21, 23, 26, and 31 have been amended. Claims 6, 24, 25, and 32 have been deleted. Claim 33 has been added.

The Applicant wishes to thank the Examiner for participating in a phone interview on January 5, 2004. The Applicant has considered the Examiner's advice and has amended claims 1, 21, 23, and 31 to reflect the Examiner's suggestions.

I. Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-10, 21, 23-27, and 31-32 stand rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,279,007 to Uppala ("Uppala") in view of U.S. Patent No. 6,336,123 to Inoue et al. ("Inoue"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to rejected claims. It is submitted that, in the present case, no factual support exists to form a prima facie case of obviousness for the following, mutually exclusive, reasons.

Claims 1, 2, 4, 5, and 7-10

First, a prima facie case of obviousness can not be supported by the Uppala and Inoue references, because even when combined, the references do not teach the claimed subject matter. Under 35 U.S.C. § 103,

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, MPEP §2143.03 requires "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (emphasis added).

Claim 1, as amended, recites in part, "forming a third database table, said third database table having a plurality of entries, each entry being a *summary* of said data from a plurality of entries from said second database table."

As the Examiner recognized during the phone interview of January 5, 2004, the cited text of Uppala and Inoue, both singly and in combination, fail to teach this claim limitation. Accordingly, claim 1 is allowable over the Uppala patent in view of the Inoue patent. Claims 2, 4, 5, and 7-10 depend from and further limit claim 1 and are allowable over Uppala and Inoue for at least this reason.

Claim 21

With reference to claim 21, a prima facie case of obviousness can not be supported by the Uppala and Inoue references as required by MPEP §2143.03, because even when combined, the references do not teach the claimed subject matter. Claim 21 recites, in part, "each hierarchy *summarizing* a reporting relationship." As the Examiner recognized during the phone interview of January 5, 2004, the cited text of Uppala and Inoue, both singly and in combination, fail to teach this claim limitation. Accordingly, because all limitations of claim 21 are not taught by the combination of Uppala and Inoue, claim 21 is allowable over the combination.

Claims 23, 26, 27

With reference to claims 23, 26, and 27, a prima facie case of obviousness can not be supported by the Uppala and Inoue references as required by MPEP §2143.03, because even when combined, the references do not teach the claimed subject matter. Claim 23, as amended, teaches in part, creating a third table, wherein the third table includes a *summary* of the first and second hierarchies. As the Examiner recognized during the phone interview of January 5, 2004, the cited text of Uppala and Inoue, both singly and in combination, fail to teach this claim limitation, and accordingly, claim 23 is allowable over the Uppala and Inoue patents for this reason.

Claims 26 and 27 depend from and further limit claim 23 and are allowable over Uppala and Inoue for at least this reason.

Claims 31 and 33

With reference to claims 31, a prima facie case of obviousness can not be supported by the Uppala and Inoue references as required by MPEP §2143.03, because even when combined, the references do not teach the claimed subject matter. Claim 31 teaches, in part, a third table for storing a *summary* of each of the multiple hierarchies. As the Examiner recognized during the phone interview of January 5, 2004, the cited text of Uppala and Inoue,

both singly and in combination, fail to teach this limitation of claim 31 as required by MPEP § 2143.03, and claim 31 is therefore in a condition for allowance. Claim 33 depends from and further limits claim 31 and is allowable over Uppala for at least this reason.

II. Conclusion

Therefore, it is respectfully submitted that independent claims 1, 21, 23, and 31 are in condition for allowance. Dependent claims 2, 4, 5, 7-10, 26, 27, and 33 depend from and further limit their respective independent claims and therefore are allowable as well.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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